

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

\* \* \*

KANAUTICA ZAYRE-BROWN,

Plaintiff,

vs.

CASE NO. 3:22-cv-191

NORTH CAROLINA DEPARTMENT

OF PUBLIC SAFETY, et al.,

Defendants.

\* \* \*

Videotaped deposition of ARMAND H.  
ANTOMMARIA, M.D., Ph.D., Expert Witness herein,  
called by the Defendants for cross-examination  
pursuant to the Rules of Civil Procedure, taken  
before me, Vicky L. Marcon, a Notary Public within  
and for the State of Ohio, at the offices of  
Regus, PNC Center, 201 E. 5th Street, Suite 1900,  
Cincinnati, Ohio, on Thursday, September 7, 2023,  
at 9:00 a.m. Eastern

\* \* \*

1 sir.

2 MR. RODRIGUEZ: All right. This is a  
3 good natural stopping point for a break. If you  
4 guys are good with it, we'll just do a quick five.

5 THE VIDEOGRAPHER: We're off the  
6 record at 10:13 a.m.

7 (Break taken.)

8 THE VIDEOGRAPHER: We're back on the  
9 record at 10:21 a.m.

10 BY MR. RODRIGUEZ:

11 Q. Okay. As you were preparing your  
12 report, who did you speak with aside from any  
13 attorneys for the plaintiff?

14 A. I don't believe anyone else, sir.

15 Q. So, you didn't speak with Dr.  
16 Ettner?

17 A. No, sir.

18 Q. All right. And, as you were  
19 preparing your report, what materials did you  
20 review?

21 A. Um --

22 Q. You don't have a copy of it.

23 A. Oh, you haven't given me the  
24 report. If I -- as I stated in the report, I  
25 reviewed Dr. Ettner's report, Dr. Li's report,

1 the information attached to those reports, and  
2 other relevant background information, which is  
3 cited in the content of my report.

4 Q. Did you review any materials that  
5 are not listed in your report?

6 A. No, sir.

7 Q. So, then, you didn't review any  
8 medical records of the plaintiff?

9 A. No, sir, I did not.

10 Q. You didn't review any mental  
11 health records of the plaintiff?

12 A. No, sir, I did not.

13 Q. Did you -- you didn't review,  
14 then, the department's policy concerning the  
15 evaluation, management and treatment of  
16 transgender offenders?

17 A. So there were attachments to Dr.  
18 Ettner's report which included, to the best of  
19 my knowledge, some institutional policies, but  
20 I would need to refer to the report to refresh  
21 my memory about the specific titles of those  
22 policies or reports or --

23 Q. Okay. Did you review the expert  
24 report of Dr. Penn?

25 A. No, sir.

1 Q. Did you review the expert report  
2 of Dr. Boyd?

3 A. No, sir.

4 Q. Did you read the deposition  
5 transcript of Dr. Penn?

6 A. No, sir.

7 Q. Deposition transcript of Dr. Boyd?

8 A. No, sir.

9 Q. Did you review any deposition  
10 transcripts?

11 A. No, sir.

12 Q. When you sat down to begin working  
13 on your report, were you supplied any  
14 assumptions?

15 A. Can you clarify what you mean by  
16 supplied with assumptions, sir?

17 Q. Yeah. Were you -- when you were  
18 engaged in this case, were you given a set of  
19 assumptions to just assume were the case in  
20 preparation of your report?

21 A. No, sir, I was not.

22 Q. So, aside from reviewing the  
23 materials that you list in your report as  
24 reviewing, and speaking with counsel for the  
25 plaintiff, did you do anything else to prepare

1 for your report or to prepare in writing your  
2 report?

3 A. To -- if by that I reference in my  
4 report is included the scientific literature  
5 that I reviewed and incorporated into my  
6 report, no. That's the comprehensive scope of  
7 my preparation for writing the report, sir.

8 Q. All right. Are all of your  
9 opinions provided in your report?

10 MS. NOWLIN-SOHL: Object to form.

11 THE WITNESS: I'm sorry, sir, I don't  
12 understand what you're asking.

13 Q. Sure.

14 A. I have lots of opinions.

15 Q. Right. Well, your opinion about,  
16 you know, the Cincinnati Reds, or whatever,  
17 doesn't -- that's not what I was getting at.  
18 So, I'll ask a different question. Are all of  
19 the opinions that you intend to offer in this  
20 case listed in your report?

21 A. At this time, yes, sir.

22 Q. Are you aware of any opinions, or  
23 do you have any opinions about this case that  
24 are not listed in your report that you intend  
25 to offer?

1 A. No, sir.

2 Q. So, are you offering any opinions  
3 in this case, then, about the medical necessity  
4 of any particular procedure requested by the  
5 plaintiff?

6 MS. NOWLIN-SOHL: Object to form.

7 THE WITNESS: So, aspects of my  
8 report touch upon the issue as to whether or not  
9 gender-affirming medical care is medically  
10 necessary.

11 Q. In general?

12 A. Yes, sir, in general.

13 Q. And so, as it relates to a  
14 procedure requested by this plaintiff, are you  
15 offering any opinions in your report about  
16 medical necessity?

17 A. No, sir.

18 Q. Are you offering any opinions in  
19 this report about how the department applies  
20 the phrase medical necessity?

21 A. No, sir, I'm not.

22 Q. Are you offering any opinions in  
23 this report about whether the plaintiff should  
24 have ever been housed at a male correctional  
25 facility?

1 A. No, sir, I am not.

2 Q. Are you offering any opinions  
3 about the timeliness of the plaintiff's  
4 transfer to a female correctional facility?

5 A. No, sir, I am not.

6 Q. Are you offering any opinions  
7 about the provision of hormone indication to  
8 the plaintiff?

9 A. No, sir, I am not.

10 Q. Are you offering any opinions  
11 about the Division Transgender Accommodation  
12 Review Committee's evaluation of the  
13 plaintiff's request for a vulvoplasty?

14 A. No, sir, I am not.

15 Q. Are you offering any opinions  
16 about the department's policy for the  
17 evaluation and management of transgender  
18 offenders?

19 A. No, sir, I am not.

20 Q. Are you offering any opinions  
21 about the department's personnel that sit on  
22 the Division Transgender Accommodation Review  
23 Committee?

24 A. No, sir, I am not.

25 Q. Are you offering any opinions

1 about the qualifications of the personnel that  
2 sit on the Division Transgender Accommodation  
3 Review Committee?

4 A. No, sir, I am not.

5 Q. Are you offering any opinions  
6 about the processes that the Division  
7 Transgender Accommodation Review Committee  
8 uses?

9 MS. NOWLIN-SOHL: Object to form.

10 THE WITNESS: To the best of my  
11 knowledge, sir, no, I am not.

12 Q. Are you offering any opinions  
13 about the provision of healthcare to the  
14 plaintiff?

15 MS. NOWLIN-SOHL: Object to form.

16 THE WITNESS: So, sir, I'm offering  
17 opinions about the criteria that should be  
18 utilized in order to determine whether or not  
19 gender-affirming surgical treatment is medically  
20 necessary for the patient. So, some of the  
21 opinions that I am offering touch on that issue  
22 but not -- touch on that issue.

23 Q. The medical necessity issue is a  
24 general issue not specific to this particular  
25 patient?



1 A. Correct. It is a general issue.

2 Q. So, are you offering any opinions  
3 about the provision of mental healthcare to  
4 this particular patient?

5 A. No, sir.

6 Q. Are you offering any opinions  
7 about the state of the plaintiff's mental  
8 healthcare? Or excuse me. I'll ask a new  
9 question. Are you offering any opinions about  
10 the state of the plaintiff's mental health?

11 A. No, sir, I am not.

12 MR. RODRIGUEZ: All right. What are  
13 we on, six? For the witness.

14 THE WITNESS: Thank you.

15 (Thereupon, Exhibit 6, Expert Report  
16 of Fan Li, PhD, was marked for identification.)  
17 BY MR. RODRIGUEZ:

18 Q. Do you recognize this document,  
19 Dr. Antommara?

20 A. Yes, sir.

21 Q. What is it?

22 A. It appears to be Dr. Li's report,  
23 including the appendices.

24 Q. The -- if you turn to page 12, Dr.  
25 Li writes, in the second sentence there at the

1 top, this assertion cites 21 references. And  
2 I'll represent to you that this assertion that  
3 Dr. Li is referring to appears on the previous  
4 page as WPATH Assertion 1. Did you review any  
5 of those 21 references that are cited in  
6 support of WPATH Assertion 1?

7 A. So, minimally I reviewed da Silva  
8 and Lindqvist.

9 Q. And is da Silva one of the cases  
10 that you referenced reviewing, or one of the  
11 studies that you referenced reviewing earlier  
12 today in preparation for your deposition?

13 A. Yes, sir.

14 Q. It is?

15 A. Yes, sir.

16 Q. Is that the La Costa one, or is  
17 that the Papadopoulos one, or the Scandinavian  
18 one?

19 A. Oh. So, I misspoke, sir. It  
20 would be what I erroneously referred to as La  
21 Costa.

22 Q. It was da Silva instead?

23 A. Yes.

24 Q. Okay.

25 A. And it's D-A S-I-L-V-A.

1 Q. All right. So, da Silva you said  
2 you reviewed it minimally. What does that  
3 mean?

4 A. I read the article, sir.

5 Q. All right. And then what was the  
6 second study, the other study you said you  
7 referenced, or you reviewed?

8 A. Lindqvist. L-I-N-D-Q-V-I-S-T.

9 Q. All right. Is that the  
10 Scandinavian study?

11 A. Yes, sir.

12 Q. Okay. And that third study that  
13 you referenced, Papadopoulos, you mentioned  
14 earlier that you looked at that study in  
15 preparation of your deposition. Do you know if  
16 that was one of these 21 studies? And for ease  
17 of reference, the reason why I included the  
18 appendix to this one is because it lists all of  
19 the studies.

20 A. So, to the best of my knowledge,  
21 sir, or to the best of my recall, no, I believe  
22 that it's referenced later in Dr. Li's report.

23 Q. Okay. So, aside from da Silva and  
24 Lindqvist, have you reviewed any of the other  
25 19 studies referenced by Dr. Li here?

1           A.     So, I try to maintain my  
2     familiarity with the literature, sir, and may  
3     have read them in my work in this field but do  
4     not recall reviewing them in particular in  
5     preparation for my report.

6           Q.     Okay. Page 15 of Dr. Li's report,  
7     the last sentence on that page, he says, this  
8     assertion -- which, again, I'll represent is  
9     WPATH Assertion 2, which appears on the same  
10    page. Quote, this assertion cited 25 studies,  
11    15 of which were cited also in WPATH Assertion  
12    1. Do you know if you reviewed any of the  
13    balance of those studies or any of the ten  
14    other studies that were not referenced in  
15    WPATH 1?

16          A.     To the best of my knowledge, sir,  
17    I did not review any of the balance of the  
18    studies.

19          Q.     All right.

20          A.     And doing so was not necessary to  
21    the formation of my opinion in my report.

22          Q.     Okay. We'll turn to page 17,  
23    middle of the page there beneath the paragraph  
24    WPATH Assertion 6. The next full paragraph  
25    starts, Brown and Jones. Did you review Brown

1 and Jones, 2015?

2 A. Not to the best of my knowledge,  
3 sir.

4 Q. Okay. Same page, WPATH Assertion  
5 10, flip to page 18, first clause there, this  
6 assertion cites 26 references. Did you review  
7 any of those studies?

8 A. So, on page 18, Papadopoulos,  
9 P-A-P-A-D-O-P-U-L-O-S, is listed.

10 (Zoom interruption.)

11 MR. RODRIGUEZ: John, you're not on  
12 mute anymore, bud. There you go.

13 THE WITNESS: As well as da Silva.

14 Q. All right. So, there's  
15 Papadopoulos is referenced in there, and then da  
16 Silva is also referenced. Beyond da Silva and  
17 Papadopoulos, did you review any of these  
18 studies, any of the other 26 studies, or 24  
19 studies?

20 A. Not to the best of my knowledge,  
21 sir.

22 Q. All right. Page 19, with respect  
23 to WPATH Assertion 11, Dr. Li writes that, this  
24 assertion cites two references. Did you review  
25 either of those two?

1 A. No, sir.

2 Q. And then dropping down with  
3 respect to Ettner Assertion 1, Dr. Li writes,  
4 this assertion cited three references. Did you  
5 review any of those references?

6 A. So, I only see one of the three  
7 listed on page 19, and I did not review that.  
8 I don't immediately see what the other two  
9 were, sir.

10 Q. I can tell you in one second.

11 A. Thank you, sir.

12 Q. So, the first one is the Pfafflin  
13 and Junge, which I believe is the one that's  
14 stated there in the document, and then the  
15 other is Smith, et al., 2005. It appears on --  
16 in the appendix. Unfortunately, it's not  
17 numbered.

18 MS. NOWLIN-SOHL: May I show him?

19 MR. RODRIGUEZ: Yes.

20 THE WITNESS: Sir, I believe I'm  
21 familiar with other studies in the same cohort  
22 that's reported by Smith, et al., and I did not  
23 review the third study listed.

24 Q. Okay. Page 20, Dr. Ettner's  
25 Assertion 2, she references Gijs and Brewayes.

1 Did you review that?

2 A. No, sir, I did not.

3 Q. That study apparently analyzed 18  
4 other studies. Did you review any of the other  
5 studies referenced in Gijs and Brewayes?

6 A. So, Dr. Li's management of  
7 systematic reviews is complicated, because she  
8 discusses the reviews but not the individual  
9 studies reported in the reviews. And so, I  
10 don't know -- and I don't believe she actually  
11 lists the other 18 studies. So, no, sir, I  
12 don't -- I may have reviewed them in other  
13 contexts. So, I don't --

14 Q. Well, you didn't review Gijs and  
15 Brewayes in the context of preparing your  
16 report?

17 A. No, sir. And I didn't explicitly  
18 review the 18 studies that they listed, but I  
19 may be familiar with those studies through  
20 other work.

21 Q. Okay. Page 21, Ettner Assertions  
22 5 through 9, the next paragraph below that  
23 Dr. Et -- or Dr. Li writes, quote, first among  
24 the 24 cited references. Did you review any of  
25 those studies for purposes of writing your

1 report?

2 A. No, sir, I did not.

3 Q. And page 22, Dr. Ettner Assertion  
4 10 refers to a single paper, which is Bauer, G.  
5 and Scheim, 2015. Do you recall reviewing that  
6 in preparation of your report?

7 A. I'm sorry. You're on page 22,  
8 Ettner Assertion 10, sir?

9 Q. Yeah. And the actual study is not  
10 listed there. So, you have to use the appendix  
11 to --

12 A. No, sir, I did not.

13 Q. On page 23, Ettner Assertion 11,  
14 Dr. Li writes, this assertion cites Brown and  
15 McDuffie, 2009. Did you review that?

16 A. No, sir, I did not.

17 Q. Same page, Ettner Assertion 12,  
18 Dr. Li refers to the meta-analysis, which it  
19 said is Weinforth, et al., 2019. Did you  
20 review that?

21 A. I did not, sir.

22 Q. That meta-analysis was a  
23 literature review of 13 studies. Did you  
24 review any of those 13 studies that would have  
25 been referenced in Weinforth for purposes of



1 drafting your report?

2 A. So, my testimony would be the  
3 same, sir. I may be familiar with some of  
4 those 13 studies, but I did not review  
5 Weinforth at all and so did not explicitly look  
6 for those 13 studies and explicitly review them  
7 for the purposes of writing my report.

8 Q. So, are you offering any opinions  
9 about whether the studies that Dr. Li discusses  
10 in her report and that are contained in the  
11 appendix, whether any of those studies provide  
12 rigorous and consistent statistical evidence on  
13 the benefits of quality of life and well-being  
14 for gender-affirming surgery?

15 MS. NOWLIN-SOHL: Object to form.

16 THE WITNESS: I am offering opinions  
17 about what Dr. Li identifies as rigorous and  
18 consistent and reasonable evidence, and, in  
19 particular, as that applies to the -- so, in  
20 general, that is my primary opinion but do have  
21 opinions regarding how that applies to the three  
22 studies that we have mentioned previously.

23 Q. Okay. I'm going to have to ask  
24 the question, I guess, differently, because  
25 that wasn't quite what I was asking, or perhaps

1 it was and we're just talking past each other.  
2 So, you just testified that you didn't review  
3 the vast majority of the studies referenced in  
4 Dr. Li's report. Is that accurate?

5 A. Yes, sir.

6 Q. And you didn't review the vast  
7 majority of the -- you reviewed a handful of  
8 those studies. Correct? Right? You said you  
9 reviewed three of them?

10 A. Yes, sir.

11 Q. And you said that you reviewed --  
12 you may be familiar with some of the other  
13 studies in other contexts. Correct?

14 A. Correct.

15 Q. But with the exception of those  
16 three, you just testified that you didn't  
17 review any of the other studies that are listed  
18 in here for purposes of writing your report.  
19 Right?

20 A. Correct, sir.

21 Q. So, my question is whether you're  
22 offering an opinion about whether those studies  
23 that are specifically referenced in this report  
24 by Dr. Li, whether those studies provide  
25 rigorous and consistent statistical evidence on

1 the benefit of quality of life and well-being  
2 for gender-affirming surgery?

3 MS. NOWLIN-SOHL: Object to form.

4 THE WITNESS: So, yes, I am, sir,  
5 because I'm offering an opinion as to what -- that  
6 Dr. Li mischaracterizes what constitutes rigorous  
7 and consistent, and because her broad category is  
8 inappropriately characterized in terms of making  
9 medical decisions, that opinion has implications  
10 for her characterization of the individual  
11 studies.

12 Q. So, you're making -- so, you are  
13 offering an opinion about whether these  
14 specific studies provide rigorous and  
15 consistent statistical evidence without having  
16 reviewed all of the studies, with the exception  
17 of three?

18 MS. NOWLIN-SOHL: Object to form.  
19 Mischaracterizes prior testimony.

20 THE WITNESS: So the predominant  
21 opinion that I am offering is that, again, that  
22 Dr. Li's criteria for rigorous and consistent is  
23 an inappropriate criteria.

24 Q. Let me ask this question. Are you  
25 offering any opinions about these studies and

whether these studies provide rigorous and statistical support for quality of life and well-being of gender-affirming surgery, these specific studies?

MS. NOWLIN-SOHL: Object to form. Asked and answered.

THE WITNESS: So, Dr. Li's report characterizes the methodology of the studies that she cites, including the studies being, some studies being prospective observational studies with before and after comparisons and other studies being cross-sectional studies. And I am offering an opinion that those types of study designs offer sufficient evidence for the safety and efficacy of medical treatments.

Q. So, is that a no, that you're not offering an opinion about whether these specific studies provide rigorous and consistent support for benefits of quality of life and well-being for gender-affirming surgery?

MS. NOWLIN-SOHL: Object to form. Asked and answered. Argumentative.

THE WITNESS: Can you restate your question, sir?

1 Q. So, I think I understand what  
2 you're saying, that you're saying that you are  
3 providing an opinion about the nature, the type  
4 of studies that can lend support. Is that what  
5 you're saying?

6 MS. NOWLIN-SOHL: Object to form.

7 Q. The characterization of the  
8 studies is what you're testifying about and  
9 that the cross-sectional and longitudinal  
10 observational studies can provide support for  
11 procedures?

12 MS. NOWLIN-SOHL: Object to form.  
13 Mischaracterizes prior testimony.

14 THE WITNESS: So, my report describes  
15 that clinical practice guidelines are ideally  
16 based on systematic reviews of the literature, and  
17 systematic reviews of the literature characterize  
18 the quality of the evidence, and that systematic  
19 reviews then make recommendations, particular  
20 treatment recommendations and characterize the  
21 strength of the recommendations, and that those  
22 recommendations can be based on what is referred  
23 to as, in terms of art, as high, moderate, low or  
24 very low quality evidence.

25 The studies that Dr. Li cites include

1 observational studies which can provide and  
2 potentially do provide justification for  
3 gender-affirming surgical care. And so, as to the  
4 best as I understand your question, the answer is  
5 no. I am offering opinions about the adequacy of  
6 the studies which are cited in Dr. Li's report to  
7 support gender-affirming surgical care.

8 Q. So, you're offering an opinion  
9 about the adequacy of the studies cited in Dr.  
10 Li's report without having reviewed the  
11 majority of those studies?

12 A. So, there is sufficient  
13 information about those studies contained in  
14 Dr. Li's report, with trusting that Dr. Li  
15 characterized those studies accurately, and I  
16 had no reason in reviewing her report to  
17 believe that she characterized them  
18 inaccurately in terms of their methodology and  
19 results, that there is sufficient information  
20 in the report to believe that they provide  
21 sufficient evidence to support gender-affirming  
22 surgical care.

23 Q. Okay. So, you are -- I'm just  
24 trying to make sure I understand. So, you're  
25 saying that you are offering an opinion about

whether the specific studies referenced in Dr. Li's report provide rigorous and consistent statistical evidence on the benefit of the quality of life and well-being of gender-affirming surgery without having reviewed the vast majority of those studies?

MS. NOWLIN-SOHL: Object to form. Asked and answered. Argumentative.

THE WITNESS: So, sir, your question, as best I understand it, has multiple subparts. Again, I -- my -- it is my opinion that Dr. Li's characterization about what constitutes rigorous and consistent evidence is inaccurate.

Q. And that's based on your review -- it's not based on your review of the studies. So what is that based on?

MS. NOWLIN-SOHL: Object to form.

THE WITNESS: So, again, in my report I reference the literature relevant to the development of clinical practice guidelines and treatment recommendations, including the GRADE recommendations.

THE COURT REPORTER: The what recommendations?

THE WITNESS: G-R-A-D-E, all

capitalized.

Q. Does your report contain any information about whether any of these studies provide support for the assertions for which -- to which they're referenced? I understand you're talking about clinical practice guidelines and treatment recommendations.

A. So --

MS. NOWLIN-SOHL: Object to form.

THE WITNESS: So, in part, Dr. Li's report analyzes the support for the WPATH standards of care, which is a clinical practice guideline, as well as the endocrine society's, and she doesn't specifically mention, but in addition to the endocrine society's clinical practice guideline, which references a comparable body of literature. So, yes, her report does address clinical practice guidelines and the evidence used to support the recommendations made therein.

Q. With respect to the specific assertions that are quoted in her report or in general?

MS. NOWLIN-SOHL: Object to form.

THE WITNESS: I'm sorry, sir. I don't understand.



1 Q. I'll move on. Well, as an  
2 example, let's look at page 23, Ettner  
3 Assertion 11.

4 A. One moment, sir.  
5 (Brief pause.)

6 THE WITNESS: Okay.

7 Q. Does your report address whether  
8 that particular study supports the assertion  
9 that is referenced or that it -- does it  
10 support the assertion that is used as a  
11 reference?

12 MS. NOWLIN-SOHL: Object to form.

13 THE WITNESS: So, sir, I do not  
14 currently have an opinion whether Brown and  
15 McDuffie assert what Li characterizes as Ettner  
16 Assertion 11.

17 Q. Do you have an opinion about  
18 whether Weinforth, 2019, supports the assertion  
19 that's quoted in Dr. Li's report, same page?

20 A. Can you restate your question,  
21 sir?

22 Q. Do you have an opinion about  
23 whether Weinforth supports the assertion -- Dr.  
24 Ettner's Assertion 12?

25 A. Yes, sir.

1 Q. Is that opinion stated in your  
2 report?

3 A. So, for example, Dr. Li, on page  
4 24, states the other nine studies are all of  
5 low quality. And so, in my report I clarify  
6 that a low quality is a -- is potentially a  
7 term of art that is used in the GRADE approach  
8 to characterize one of the four levels of  
9 evidence. It is not clear to me how Dr. Li is  
10 using that term, and it appears that she may be  
11 using it in a nontechnical sense. But to the  
12 extent that Dr. Li states at the end of the  
13 paragraph, I determined that this reference  
14 fails to provide rigorous and consistent  
15 statistical evidence supporting the benefits of  
16 what she refers to as surgical reassignment,  
17 sexual reassignment surgery, I do offer an  
18 opinion that that conclusion is erroneous.

19 Q. But you didn't review the nine  
20 studies?

21 MS. NOWLIN-SOHL: Objection.  
22 Argumentative.

23 THE WITNESS: So, sir, my reviewing  
24 the nine studies isn't necessary to reach the  
25 opinion that I stated.

1 Q. But that's a no, you didn't review  
2 the nine studies?

3 MS. NOWLIN-SOHL: Same objection.

4 THE WITNESS: I believe that we --  
5 that I previously testified that I did not, sir.

6 Q. And you didn't speak with Dr.  
7 Ettner?

8 MS. NOWLIN-SOHL: Object to form.

9 THE WITNESS: Again, I have  
10 previously testified that I did not speak with Dr.  
11 Ettner.

12 Q. So, if you didn't speak with Dr.  
13 Ettner, you don't know what she would have  
14 considered to be low, medium, very low, or high  
15 quality studies, do you?

16 MS. NOWLIN-SOHL: Object to form.  
17 Argumentative.

18 THE WITNESS: So, my prior testimony  
19 was not about what Dr. Ettner characterized as low  
20 quality but what Dr. Li meant by low quality, as  
21 the characterization of the studies is not, to the  
22 best of my knowledge, Dr. Ettner's but Dr. Li's.  
23 And I think that there are grounds in her report  
24 to particularly her lack of reference to what she  
25 means by low to suggest that she's not using it in

1 the technical sense used by the GRADE approach.

2 Q. Right. So, my -- I started this  
3 question by, this whole round of questioning by  
4 asking you whether Weinforth, whether you had  
5 an opinion about whether Weinforth supported  
6 Dr. Ettner's assertion which is quoted in Dr.  
7 Li's report. And I think I heard you say,  
8 essentially, yes, you do have an opinion about  
9 that. Is that correct?

10 A. Yes, sir.

11 Q. And is your opinion that Weinforth  
12 does support the assertion of Dr. Ettner?

13 A. My primary opinion is that Dr.  
14 Li's determination that Weinforth does not  
15 support Ettner's assertion is erroneous.

16 Q. Okay. And that's based on not  
17 having reviewed Weinforth, nor spoken with Li,  
18 nor spoken with Ettner, to determine what they  
19 mean by low quality or high quality or medium  
20 quality?

21 MS. NOWLIN-SOHL: Object to form.  
22 Argumentative. Asked and answered.

23 THE WITNESS: I don't understand any  
24 of the components that you just listed as  
25 necessary in order to adequately base my

1 conclusion that Dr. Li's claim that I determined  
2 that this reference fails to provide rigorous and  
3 consistent statistical evidence supporting the  
4 benefits of SRS as accurate.

5 Q. But you didn't read those studies?

6 MS. NOWLIN-SOHL: Object to form.  
7 Asked and answered. Argumentative.

8 THE WITNESS: I believe that I  
9 already answered that question, sir.

10 Q. And that was a no, that you  
11 didn't?

12 MS. NOWLIN-SOHL: Same objections.

13 THE WITNESS: So, in preparing my  
14 report I did not read Weinforth. Dr. Li's report  
15 provides sufficient information about the content  
16 of Weinforth in order for me to draw my  
17 conclusion.

18 Q. Are you offering any opinions  
19 about Dr. Li's characterization of the study  
20 designs, the outcomes, or the other attributes  
21 of the studies that she references in her  
22 report?

23 MS. NOWLIN-SOHL: Object to form.

24 THE WITNESS: I have -- in reviewing  
25 Dr. Li's report and several of the individual

1 studies, I have no reason to question that the  
2 factual information contained in her appendix B is  
3 inaccurate, with the exception of I do think that  
4 several of her references are incorrect, such as  
5 the years are incorrect, but that her description  
6 of the study design, the patient population, and  
7 the primary outcomes are generally accurate, or I  
8 have no reason to question them.

9 Q. Okay. And you -- in your report  
10 you agree, or at least you write that there are  
11 few randomized clinical trials of  
12 gender-affirming medical care, and the body of  
13 evidence is currently appropriately  
14 characterized as, quote, low or very low  
15 quality. Does that sound like something that  
16 you would have written in your report?

17 MS. NOWLIN-SOHL: Object to form.  
18 Can we see where that's being quoted from?

19 MR. RODRIGUEZ: Let him answer the  
20 question first.

21 THE WITNESS: So, yes, sir, that  
22 sounds like a part of my conclusion in my report.

23 Q. And Dr. Li refers to many of these  
24 studies as low quality, as you just pointed  
25 out. Correct?

1           A.    It appears that Dr. Li refers to  
2   them as being low quality in a colloquial sense  
3   and not necessarily in the technical sense in  
4   which I'm using the term.

5           Q.    Okay.

6                   MR. RODRIGUEZ: All right. So, this  
7   is for the witness. Oh, whoops. I wrote on  
8   yours. Here you go.

9                   (Thereupon, Exhibit 7, Expert  
10   Rebuttal Report of Armand H. Matheny Antommara,  
11   MD, PhD, in the Zayre-Brown v. The North Carolina  
12   Department of Public Safety, et al., Case, was  
13   marked for identification.)

14   BY MR. RODRIGUEZ:

15           Q.    If you look at paragraph 18, which  
16   it starts on page six, the second sentence  
17   there -- oh. I'll wait. Sorry.

18           A.    I'm sorry. I don't want to step  
19   out of my scope, but did you want to introduce  
20   the exhibit?

21           Q.    Oh. Sure. Do you recognize this  
22   document?

23           A.    Yes, sir.

24           Q.    And this is a copy of your report.  
25   Correct?